



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

NOV 30 2011

REPLY TO THE ATTENTION OF:

WW-16J

U.S. Army Corps of Engineers, Louisville District  
James M. Townsend, Chief  
Regulatory Branch  
600 Dr. Martin Luther King Place  
Louisville, Kentucky 40202

Re: Public Notice LRL-2007-225 /Triad Mining, Inc. - Freelandville Mine

Dear Mr. Townsend:

The Environmental Protection Agency has reviewed the above referenced public notice. The applicant, Triad Mining Inc (Triad), seeks approval for unauthorized impacts that have already occurred as well as approval of additional future impacts at the Freelandville Mine located in Knox and Sullivan Counties, Indiana. EPA has reviewed the Section 404 permit application, operations map, and other relevant documents provided. Total impacts from this mine are 24,638 linear feet of intermittent streams, 74,225 linear feet of ephemeral streams, 26.0 acres of open water, and 5.48 acres of palustrine emergent wetlands. Our detailed comments are provided hereafter:

***Cumulative Impacts Assessment***

While Triad's cumulative impacts assessment (CIA) does list the historic impacts and location of known mining in the watershed, it does not discuss the effects that the company's own unpermitted impacts to streams in the watershed. EPA requests that the significance of the permit application in the context of other actions in the Lower White River watershed be appropriately characterized and that the applicant include a more complete assessment of cumulative impacts to the watershed. In order to fully analyze the past, present, and reasonably foreseeable impacts as required under National Environmental Policy Act (NEPA) and the 404 (b)(1) Guidelines, EPA recommends that the applicant prepare a cumulative impacts analysis for the affected HUC 12 watersheds that details changes in hydrology, drainage patterns and channel composition, sediment transport, changes in discharge and retention rates and changes in runoff velocity and volume. Impact assessments for wetlands should include direct and indirect impacts from previous and current actions, as well as potential impacts from future actions as a result of changes in surface and groundwater hydrology. This assessment should discuss how the proposed operation, in conjunction with previous, current and future operations within the watershed, may affect the physical, chemical and biological integrity of the

Lower White River subwatersheds as a result of the loss of headwater and wetlands resources.

### ***Mitigation***

EPA recommends that the applicant revise the mitigation plan for future proposed impacts to better align with the mitigation plan for the unauthorized impacts to avoid duplication of effort specifically in regards to crediting ratios. Within the future impacts section and unauthorized impact section, EPA believes the mitigation ratios are adequate. However, Triad does not propose to protect the mitigation for future impacts with deed restrictions. Therefore, consistent with the mitigation ratios for unauthorized impacts, EPA recommends that only 25% credit, or a 1:4 mitigation crediting ratio be applied to stream segments that will not be protected in perpetuity with a deed restriction. Triad needs to update their "ATF Mitigation Map – Freedlandville Complex" and remove the "SEP wetland" located along the west bank of Pollard Ditch, as it is not a part of the plan.

### ***Adaptive Management***

Additionally, Triad's Adaptive Management Plan (AMP) for future proposed impacts in Attachment 3-1-D of the permit submittal does not meet the requirements of the 2008 Compensatory Mitigation Rule (Mitigation Rule). This section should be revised to match the AMP Triad completed for the mitigation of unauthorized impacts.

### ***Biological Monitoring***

Triad needs to specify where the biological sampling stations will be located post construction of mitigation reaches. The assessments should be expanded to include the fish index of biotic integrity FBI where appropriate, given that the baseline sampling by Dr. Mark Pyron indicated the presence of fish in several streams. EPA recommends this monitoring be included as a condition of the Corps permit.

In conclusion, EPA objects to the issuance of a permit for this project as proposed because it does not comply with the 404(b)(1) Guidelines. Additional information is needed regarding biological monitoring of the mitigated stream reaches and the long-term protection of mitigation. Please notify us of Triad's response to the comments outlined above and any subsequent changes to the permit application. Thank you for the opportunity to provide comments on the public notice and permit documents. If you have any questions, please contact Andrea Schaller at 312-866-0746.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Swenson".

Peter Swenson, Chief  
Watersheds and Wetlands Branch

cc: David Carr  
Section 401 WQC Section  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204

Michael Litwin  
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